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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

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9 Allen Gene Seaton,

No. CV-11-01143-PHX-FJM

10 Plaintiff,

**ORDER**

11 v.

12 Carolyn W. Colvin,

13 Defendant.

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16 The court has before it Plaintiff's Attorney's Motion for Award of Attorney's Fees  
17 under 42 U.S.C. Section 406(b) (Doc. 34) and the Defendant's Response (Doc. 35),  
18 indicating that it has no objection to the motion.

19 Counsel has a contingent fee agreement with plaintiff for 25% of all past due  
20 benefits awarded. Although counsel did not seek fees under the fee shifting provisions of  
21 28 U.S.C. Section 2412, his petition is framed with an offset for the fees that might have  
22 been awarded.

23 Cross checking the contingent fee against the load star suggests that the multiplier  
24 for the contingent nature is not unreasonable. Accordingly, it is ORDERED GRANTING  
25 Plaintiff's Attorney's Motion for an award of attorney's fees under 42 U.S.C. Section  
26 406(b) in the amount of \$31,574.79. (Doc. 34). It is further ORDERED that the

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1 defendant shall refund to plaintiff the remainder, if any, of any past due benefits withheld  
2 for potential attorney's fees.

3 Dated this 29th day of June, 2016.  
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5 Frederick J. Martone  
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7 Frederick J. Martone  
8 Senior United States District Judge  
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